IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5080 of 2007
Date of decision: 4.10.2007

Jaswant Singh and another **...Petitioners**

Versus

Jarnail Kaur and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Ms. K.K. Kahlon, Advocate for the petitioners.

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RAJESH BINDAL, J.

The challenge in the present petition is to the order dated August 27, 2007 passed by learned trial Court whereby application filed by the petitioners/defendants for framing of additional issue in suit for permanent injunction filed by respondent no.1, has been dismissed.

The claim made in the suit filed by the respondent no.1/plaintiff was that she is in possession of the property as tenant under the petitioners whereas the claim of the respondents was that she infact was a trespasser. She had encroached upon the property in their absence. After considering the pleadings of the parties, learned trial Court had framed various issues arising therefrom vide order dated April 03, 2003. Once the claim of the petitioners/defendants is that respondent no.1/plaintiff is encroacher of the land, there was no occasion for them to get the issue regarding relationship of tenancy framed in the present case as issue no.1 already framed by the Court is quite comprehensive to take care of the pleadings.

Accordingly, I do not find any merit in the present petition and the same is dismissed.

October 04, 2007 **(Rajesh Bindal)**
Pka **Judge**